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12 *Attorneys for Defendants*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 EDGARD BERNAL, an individual,

16 Plaintiff,

17 vs.

18 ANGEL MORERA GONZALEZ, an  
19 individual; AG FREIGHT, LLC, a limited  
20 liability company; DOES 1 through 10;  
21 ROE CORPORATIONS 11 through 20; and  
22 ABC Limited Liability Company 21 through  
23 30,

24 Defendants.

25 CASE NO.: 2:21-CV-01881

26 **PLAINTIFF AND DEFENDANTS'  
27 STIPULATION TO RULE 35  
EXAMINATION**

28 COMES NOW Plaintiff EDGARD BERNAL, by and through his counsel of record  
NETTLES | MORRIS and Defendants AG FREIGHT, LLC and ANGEL MORERA GONZALEZ,  
by and through their counsel of record, the law firm of WINNER BOOZE & ZARCONE, and  
hereby stipulate and agree that Plaintiff will undergo a Rule 35 Examination with Dr. Forage at  
the address of **861 Coronado Center Drive, Suite 200, Henderson, NV 89052** on the 14th day  
of April, 2022 at the time of 3:30PM (PST).

29 The Rule 35 Examination will be conducted according to the following protocols as agreed  
30 to by counsel for both parties:

- 31 1. The examination will be of Plaintiff's neck and back, as well as his upper and lower  
32 extremities regarding alleged radicular symptoms/complaints.

- 1           2. Defendants will produce the report from the examination within 30 days of the  
2           examination being completed.
- 3           3. Any forms that are required to be completed will be provided to Plaintiff's counsel at  
4           least 2 weeks in advance. The only form that Plaintiff will be required to complete at  
5           the time of the examination will be standard sign-in paperwork.
- 6           4. Plaintiff will not be required to wait longer than 30 minutes after arriving for the  
7           examination to begin. Should Plaintiff wait longer than 30 minutes, he will contact his  
8           counsel and reach out to defense counsel in an attempt to resolve the issue prior to  
9           leaving.
- 10          5. Plaintiff will be asked factual questions as to how the accident happened and how his  
11           body moved during the subject accident but will not be asked any questions that relate  
12           to any alleged liability issues.
- 13          6. All individuals inside the office (including Plaintiff) will wear masks and Dr. Forage  
14           will ensure that the office and any equipment is sanitized prior to Plaintiff arriving.

15  
16          Dated this 1st day of March, 2022

17          WINNER BOOZE & ZARCONE

18          

19          \_\_\_\_\_  
20          Jonathan Powell  
21          Nevada Bar No. 9153  
22          1117 South Rancho Drive  
23          Las Vegas, Nevada 89102

24          *Attorneys for Defendants*

15  
16          Dated this 1st day of March, 2022

17          NETTLES | MORRIS

18          \_\_\_\_\_  
19          */s/ Wesley H. LeMay, Jr. (with permission)*  
20          Wesley H. LeMay, Jr.  
21          Nevada Bar No. 14907  
22          1389 Galleria Drive, Suite 200  
23          Henderson, Nevada 89014

24          *Attorneys for Plaintiff*

## ORDER

Pursuant to Plaintiff Edgard Bernal and Defendants AG Freight, LLC and Angel Morera Gonzalez's Stipulation to Rule 35 Examination and for good cause shown, the above Stipulation is accepted, adopted and made the Order of the Court.

IT IS SO ORDERED.

Dated: March 1, 2022

  
**RICHARD E. BOULWARE, II**  
United States District Court

**WINNER BOOZE & ZARcone**  
A N E V A D A L A W F I R M

## Marie F. Evangelista

**From:** Marie F. Evangelista  
**Sent:** Tuesday, March 1, 2022 9:03 AM  
**To:** Wesley LeMay; Sofia Reyes; Norma Chavarria; Thalia Gomez; Christian Morris; Alexandra McLeod; Kimberly Nelson  
**Cc:** John L. Powell  
**Subject:** RE: Bernal vs. Gonzalez; Rule 35 Examination of Plaintiff Edgard Bernal - April 14@3:30PM

Thank you Mr. LeMay.

**WINNER BOOZE & ZARCONE**  
A NEVADA LAW FIRM

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**From:** Wesley LeMay <[Wesley@nettlesmorris.com](mailto:Wesley@nettlesmorris.com)>  
**Sent:** Monday, February 28, 2022 5:13 PM  
**To:** Marie F. Evangelista <[mevangelista@winnerfirm.com](mailto:mevangelista@winnerfirm.com)>; Sofia Reyes <[Sofia@nettlesmorris.com](mailto:Sofia@nettlesmorris.com)>; Norma Chavarria <[norma@nettlesmorris.com](mailto:norma@nettlesmorris.com)>; Thalia Gomez <[thalia@nettlesmorris.com](mailto:thalia@nettlesmorris.com)>; Christian Morris <[Christian@nettlesmorris.com](mailto:Christian@nettlesmorris.com)>; Alexandra McLeod <[Alexandra@nettlesmorris.com](mailto:Alexandra@nettlesmorris.com)>; Kimberly Nelson <[kimberly@nettlesmorris.com](mailto:kimberly@nettlesmorris.com)>  
**Cc:** John L. Powell <[jpowell@winnerfirm.com](mailto:jpowell@winnerfirm.com)>  
**Subject:** RE: Bernal vs. Gonzalez; Rule 35 Examination of Plaintiff Edgard Bernal - April 14@3:30PM

Hello Ms. Evangelista,

My name is Wesley H. LeMay Jr., and I am the attorney that is taking over for Andrea. I have reviewed the FRCP 35 Parameters, and we are agreeable to them. You have my permission to include my digital signature. My Nevada Bar No. is 14907.

If you have any questions, please do not hesitate to ask. I will be happy to help.

Wesley H. LeMay Jr., Esq.  
Associate Attorney



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